

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Angelo Uribe,

Case No. 2:24-cv-01314-JAD-BNW

Plaintiff

V.

Frank Dreesen, et. al.,

Order Dismissing and Closing Case

Defendants

Plaintiff Angelo Uribe brings this civil-rights lawsuit to redress constitutional violations he claims he suffered while incarcerated at High Desert State Prison. On December 9, 2024, the court ordered the plaintiff to either pay the full \$405 filing fee or file an application to proceed *in forma pauperis* for non-inmates by January 8, 2025.¹ That deadline expired without the court addressing the matter of the filing fee, and his mail from this court is being returned as unanswerable.²

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.³ A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules.⁴ In determining whether to dismiss an action on one of these grounds, the court must

¹ ECF No. 8.

2 ECF No. 9.

³ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

⁴ See *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order).

1 consider: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to
 2 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
 3 disposition of cases on their merits; and (5) the availability of less drastic alternatives.⁵

4 The first two factors, the public's interest in expeditiously resolving this litigation and the
 5 court's interest in managing its docket, weigh in favor of dismissal of the plaintiff's claims. The
 6 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a
 7 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading
 8 ordered by the court or prosecuting an action.⁶ The fourth factor—the public policy favoring
 9 disposition of cases on their merits—is greatly outweighed by the factors favoring dismissal.

10 The fifth factor requires the court to consider whether less drastic alternatives can be used
 11 to correct the party's failure that brought about the court's need to consider dismissal.⁷ Courts
 12 “need not exhaust every sanction short of dismissal before finally dismissing a case, but must
 13 explore possible and meaningful alternatives.”⁸ Because this court cannot operate without
 14 collecting reasonable fees, and litigation cannot progress without a plaintiff's compliance with
 15 court orders, the only alternative is to enter a second order setting another deadline. But issuing
 16 a second order will only delay the inevitable and further squander the court's finite resources.

17

18⁵ *In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting
 19 *Malone v. U.S. Postal Serv.*, 833 F.2d at 130).

20⁶ *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

21⁷ *Yourish v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less
 22 drastic alternatives *before* the party has disobeyed a court order does not satisfy this factor);
 23 *accord Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that “the
 24 persuasive force of” earlier Ninth Circuit cases that “implicitly accepted pursuit of less drastic
 25 alternatives prior to disobedience of the court's order as satisfying this element[,]” i.e., like the
 26 “initial granting of leave to amend coupled with the warning of dismissal for failure to
 27 comply[,]” have been “eroded” by *Yourish*).

28⁸ *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986).

1 And without an updated address, the likelihood that the second order would even reach the
2 plaintiff is low. Setting another deadline is not a meaningful alternative given these
3 circumstances. So the fifth factor favors dismissal.

4 Having thoroughly weighed these dismissal factors, I find that they weigh in favor of
5 dismissal. IT IS THEREFORE ORDERED that **THIS ACTION IS DISMISSED** without
6 prejudice based on the plaintiff's failure to file an updated address in compliance with this
7 Court's December 9, 2024, order. The Clerk of Court is directed to **ENTER JUDGMENT**
8 accordingly and **CLOSE THIS CASE**. If Angelo Uribe wishes to pursue his claims, he must
9 file a complaint in a new case, address the matter of the filing fee, and provide the court with his
10 current address.

11 Dated: January 23, 2025

12 
U.S. District Judge Jennifer A. Dorsey

13
14
15
16
17
18
19
20
21
22
23